Resolution on the waste crisis in Campania

2010/2963(RSP) - 03/02/2011 - Text adopted by Parliament, single reading

Following the debate which took place during the sitting of 18 January 2011, the European Parliament adopted by 374 votes to 208 with 38 abstentions a resolution on the waste crisis in Campania.

The resolution had been tabled by the S&D, ALDE, GUE/NGL and Greens/ALE EPP groups.

It recalls the facts about the waste crisis as well as the Court of Justice's judgments of 2007 and 2010 in *Case C-135/05 and Case C-297/08* respectively that Italy had failed to fulfil its obligations under Community law. Members call for the **urgent identification of a sustainable solution that meets EU criteria**, namely the implementation of a waste management plan under which, in accordance with Directive 2008/98/EC, respect for the waste cycle hierarchy is fundamental. Parliament notes that the Commission has not received a final version of the waste management plan for the Region of Campania, in keeping with the Court of Justice ruling and it asks the Commission to keep it informed about developments, including the implementation of a waste management plan. The Italian Government is urged to act in connection with this matter in a manner consistent with EU law, and, in particular, to **comply with the two latest judgments of the Court of Justice**, to respect the resulting deadlines for compliance set by the Commission and to correct all the stated breaches of the EU law, in keeping with its obligation to take measures to ensure that the acquis communautaire is respected at all levels.

Parliament draws attention to the need for proper disposal of 7 million tonnes of 'Ecobales', using appropriate forms of treatment and addressed in the context of the waste management plan, as well as the need for enforcement of strict management controls of mixed and unidentified waste near the Ferandelle site. It deplores the previous decision to open landfills in protected areas within the Vesuvius National Park, such as in Terzigno, and strongly opposes any plans to expand these landfill sites, welcoming the decision not to open a second landfill in Terzigno (Cava Vitiello). The cost of cleaning up the sites in Campania which have been contaminated by **pollution from various forms of waste should not be borne by the taxpayers**, but rather, in accordance with the polluter-pays principle, by those responsible for the pollution.

Members consider that the exceptional measures employed over long periods by the Italian authorities, including the appointment of special commissioners or the designation of waste sites as being of 'strategic interest' under army control, have been counterproductive. They fear that the lack of transparency in the management of waste by public authorities has **facilitated rather than inhibited the increased involvement of organised crime groups** both in official waste management in the region and in the illegal disposal of industrial waste. Parliament calls for much greater transparency on the part of the various authorities responsible, and stresses the importance of rebuilding trust by means of structured dialogue between the public and the authorities involved. It deplores the criminal charges brought by the authorities against some members of the public peacefully demonstrating against the opening of new landfills and the violence employed by the security forces against demonstrators.

Members reiterate the fact that the Commission is currently withholding EU structural funds intended for Campania, funds that will be released only once the waste management plan is actually consistent with EU law. They recall that in 2007 the Commission decided to suspend payment of EUR 135 million in contributions from the 2006-2013 financing period to waste-related projects and a further EUR 10.5 million from the 2000-2006 financing period until the commissioner structure is abolished. **The Commission is asked to make use of the powers conferred on it, including by bringing a further action seeking financial penalties** (under Article 260 TFEU), in such a way as to ensure that the Campania authorities comply without delay with the relevant judgment of the Court of Justice, in line with

the ruling laid down in the Court's judgment of 12 July 2005 in Case C-304/02 Commission v France [2005] ECR I-6263, in particular making sure that the existing landfills comply with EU law.

Parliament notes that the Commission has stated that locating landfills in Natura 2000 sites is not as such a breach of EU law and it raises the issue as to whether this poses ecological or health risks. Members take the view that siting landfills in protected natural or cultural areas is incompatible with environmental law, and request the **Commission to amend EU waste legislation** so as to categorically prohibit landfills in Natura 2000 sites. They want the Commission to apply to the Court of Justice for an injunction if existing landfills in protected natural areas are extended or new ones opened in Natura 2000 sites

Lastly, Parliament calls on the Commission to do everything in its power to monitor the efforts made by the competent authorities in Italy to ensure that waste is properly collected, separated and treated, for example by means of systematic inspections, and to urge the regional authorities to submit a credible waste management plan. The Commission is asked to invite a European Parliament delegation to take part in the inspections.